IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3303 of 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KASHIBHAI CHHAGTANBHAI VASAVA - Petitioner(s)

Versus

SANMUKHLAL CHANDRASHANKER JOSHI & 2 - Respondent(s)

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Appearance :

MR SHAILESH C PARIKH for Petitioner(s) : 1,
MR VIJAY H PATEL for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 26/09/2005

ORAL JUDGMENT

In this petition under Article 227 of the Constitution of India, the petitioner has challenged the legality and validity of the judgment and order passed by the Gujarat Revenue Tribunal dated 18th December 1989 in Revision Application TEN.B.A. No. 526/1985 in allowing the said revision application and ultimately dismissing the application submitted

by the petitioner for declaring him as tenant under Section 32-G of The Bombay Tenancy and Agricultural Lands Act [“the Tenancy Act” for short] by holding that it is not proved that the petitioner was holding the lands as tenant on the Tiller's Day.

2. It is required to be noted that along with the said Revision Application, other two revision applications, being Revision Application No. TEN.B.A. 527/1985 and 528/1985 came to be allowed, against which the respective tenants preferred Special Civil Applications No. 2411/1990 and 2412/1990. The Special Civil Application No. 2411/1990 was filed by the respondent of Revision Application No. 527/1985. This Court, while admitting the present Special Civil Application, ordered to be heard along with Special Civil Applications No. 2411/1990 and 2412/1990. It is reported, that so far as Special Civil Application No. 2411/1990 is concerned, the same came to be dismissed on merits by the learned Single Judge of this Court [Coram: Ms. R.M. Doshit, J.] by judgment and order dated 30th January 2002. The present Special Civil Application is, therefore, dismissed. Rule is discharged. Ad-interim relief granted earlier stands vacated forthwith.

[M.R. Shah, J.]

RMR.